

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ruben *et al.*

Appl. No. To be assigned

Filed: Herewith

For: **Keratinocyte Growth Factor-2**

Confirmation No.:

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1488.036000Q

Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20231

Sir:

In advance of prosecution, Applicants submit the following Amendments. This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37 C.F.R. § 1.115 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

10675416, 021502

Amendments

In the Specification:

Please replace the first full paragraph on page 1 with the following:

The present application is a divisional of U.S. Appl. No. 09/345,373, filed July 1, 1999, which is incorporated by reference; said 09/345,373 is a continuation of U.S. Appl. No. 09/023,082, filed February 13, 1998, now U.S. Patent No. 6,077,692, issued June 20, 2000, which is incorporated by reference; said 09/023,082 claims benefit of the filing dates of U.S. provisional applications Nos. 60/055,561, filed August 13, 1997 and 60/039,045, filed February 28, 1997, each of which is herein incorporated by reference; said 09/023,082 is also a continuation-in-part of U.S. Appl. No. 08/910,875, filed August 13, 1997, now abandoned, which is herein incorporated by reference; said 08/910,875 claims benefit of the filing date of U.S. provisional application No. 60/023,852, filed August 13, 1996, which is herein incorporated by reference; said 09/023,082 is also a continuation-in-part of U.S. Appl. No. 08/862,432, filed May 23, 1997, now abandoned, which is herein incorporated by reference; said 08/862,432 is a divisional of U.S. Appl. No. 08/461,195, filed June 5, 1995, now abandoned, which is herein incorporated by reference; said 08/461,195 is a continuation-in-part of PCT/US95/01790, filed February 14, 1995, published in English, which is herein incorporated by reference.

10075446.021502

Please replace the paragraph beginning at page 20, line 26, with the following:

In accordance with an aspect of the present invention, there is provided an isolated nucleic acid (polynucleotide) which encodes for the polypeptide having the deduced amino acid sequence of Figure 1 (SEQ ID NO:2) or for the polypeptide encoded by the cDNA of the clone deposited as ATCC Deposit No. 75977 on December 16, 1994 at the American Type Culture Collection, Patent Depository, 10801 University Boulevard, Manassas, VA 20110-2209.

In the Claims

Please cancel claims 1-94 without prejudice to or disclaimer of the subject matter therein.

Please add the following new claims:

95. (new) An isolated polypeptide comprising an amino acid sequence at least 90% identical to Ala (63) - Ser (208) of SEQ ID NO:2.

96. (new) The isolated polypeptide of claim 95, comprising an amino acid sequence at least 95% identical to Ala (63) - Ser (208) of SEQ ID NO:2.

97. (new) The isolated polypeptide of claim 96, comprising an amino acid sequence at least 97% identical to Ala (63) - Ser (208) of SEQ ID NO:2.

10075145-021502

98. (new) The isolated polypeptide of claim 95, 96, or 97, having a Met residue at the N-terminus of said amino acid sequence.

99. (new) The isolated polypeptide of claim 95, 96, or 97, wherein said polypeptide is part of a fusion protein.

100. (new) The isolated polypeptide of claim 95, 96, or 97, which is produced in a recombinant cell.

101. (new) The isolated polypeptide of claim 100, wherein said recombinant cell is bacterial.

102. (new) The isolated polypeptide of claim 95, 96, or 97, together with a pharmaceutically acceptable carrier or excipient.

Remarks

Upon entry of the foregoing amendment, claims 95-102 are pending in the application, with claim 95 being the independent claim. Claims 1-94 are cancelled without prejudice to or disclaimer of the subject matter therein. New claims 95-102 are added. Support for claims 95-102 can be found throughout the specification and original claims. The specification has been amended to update priority information and to update the address for the depository institution. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Andrea Jo Kamage

Andrea Jo Kamage
Agent for Applicants
Registration No. 43,703

Date: 2/15/02

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

10075446-021502

Version with markings to show changes made

The first full paragraph on page 1 was amended as follows:

The present application is a divisional of U.S. Appl. No. 09/345,373, filed July 1, 1999, which is incorporated by reference; said 09/345,373 is a continuation of U.S. Appl. No. 09/023,082, filed February 13, 1998, now U.S. Patent No. 6,077,692, issued June 20, 2000, which is incorporated by reference; said 09/023,082 claims benefit of the filing dates of U.S. provisional applications Nos. 60/055,561, filed August 13, 1997 and 60/039,045, filed February 28, 1997, each of which is herein incorporated by reference; [the present application] said 09/023,082 is also a continuation-in-part of U.S. Appl. No. 08/910,875, filed August 13, 1997, now abandoned, which is herein incorporated by reference; said 08/910,875 claims benefit of the filing date of U.S. provisional application No. 60/023,852, filed August 13, 1996, which is herein incorporated by reference; [the present application] said 09/023,082 is also a continuation-in-part of U.S. Appl. No. 08/862,432, filed May 23, 1997, now abandoned, which is herein incorporated by reference; said 08/862,432 is a divisional of U.S. Appl. No. 08/461,195, filed June 5, 1995, now abandoned, which is herein incorporated by reference; said 08/461,195 is a continuation-in-part of PCT/US95/01790, filed February 14, 1995, published in English, which is herein incorporated by reference.

The paragraph beginning at page 20, line 26, was amended as follows:

In accordance with an aspect of the present invention, there is provided an isolated nucleic acid (polynucleotide) which encodes for the polypeptide having the deduced amino acid sequence of Figure 1 (SEQ ID NO:2) or for the polypeptide encoded by the cDNA of the clone deposited as ATCC Deposit No. 75977 on December 16, 1994 at the American

10075446-021502

Type Culture Collection, [12301 Park Lawn Drive, Rockville, Maryland 20852] Patent

Depository, 10801 University Boulevard, Manassas, VA 20110-2209.

Claims 1-94 were cancelled.

New claims 95-102 were added.

10075446-021502